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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BILLY CEPERO,

Plaintiff,

vs.

DOUGLAS GILLESPIE et al.,

Defendants.

Case No. 2:11-cv-01421-JAD-NJK

ORDER TO CONTINUE TRIAL

(FOURTH REQUEST)

ECF No. 239

Plaintiff Billy Cepero (“Plaintiff”) and Defendant James Bonkavich (“Defendant,” and together with Plaintiff, the “Parties”), by and through their respective counsel, submit this Stipulation and Order to continue the trial currently scheduled for February 28, 2023. The Parties request that the Court continue the trial to April 11, 2023, or as soon thereafter as is convenient for the Court.¹

The Parties submit that good cause exists to grant this stipulation.

Mr. Cepero’s transfer to Lovelock Correctional Center (“Lovelock”) has substantially impeded trial preparation. As Mr. Cepero’s counsel represented to the Court in Plaintiff’s Status Report, filed on December 6, 2022 (ECF No. 237), Mr. Cepero was transferred from High Desert State Prison to Lovelock Correctional Center (“Lovelock”) in November 2022 for the purpose of undergoing certain medical procedures relating to his injuries. Since the transfer took place,

¹ Attorney Dove has an oral argument on April 11, 2023 but is available thereafter.

1 counsel continues to be unable to meaningfully communicate with Mr. Cepero, as unlike High
2 Desert, the staff at Lovelock Correctional Center has indicated that they do not allow the
3 arrangement of scheduled phone calls between counsel and inmates. Counsel has therefore only
4 been able to speak to Mr. Cepero in short, 10-minute increments when he is able to call, and these
5 calls cannot be scheduled in advance.

6 Further, in-person visits are burdensome because Lovelock requires air travel to Reno and
7 ground transportation to Lovelock. While this burden is by itself substantial, visiting hours for the
8 general population are Friday, Saturday, and Sunday from 7:30-11:30 am, with the last entry
9 permitted at 8:30 am, meaning that any travel would require an overnight stay the previous night.
10 Counsel has inquired about other allowances for attorney visits on multiple occasions but has not
11 received a response as of the filing of this Stipulation. In sum, Mr. Cepero and his counsel have
12 been unable to communicate regularly or at any length for the past three months, which has
13 prejudiced their ability to prepare for trial.

14 The Parties do not wish to delay this trial, which they appreciate has already been the subject
15 of significant delay. However, Mr. Cepero's transfer has impeded his readiness for trial.

16 For the reasons outlined above, the Parties stipulate and agree to continue the trial to the
17 Court's April 11 trial stack, or as soon thereafter as is convenient for the Court.

18 The Parties agree to the continuance requested herein.

19 IT IS SO STIPULATED.

20 Dated: February 3, 2023

Dated: February 3, 2023

21 SNELL & WILMER L.L.P.

MARQUIS AURBACH CHTD.

22 By: /s/ Kelly Dove

By: /s/ Tye Hanseen

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27 *Attorneys for Plaintiff Billy Cepero*

Attorneys for Defendant James Bonkavich

ORDER

IT IS ORDERED that the jury trial in this matter is continued from February 28, 2023, to May 9, 2023 at 9:00 a.m.

IT IS FURTHER ORDERED that the calendar call is continued from February 21, 2023 to May 1, 2023 at 1:30 p.m.

IT IS FURTHER ORDERED that all trial briefs, proposed voir dire, proposed jury instructions, exhibit lists and witness lists are due by noon on May 1, 2023.

DATED: February 7, 2023.


UNITED STATES DISTRICT JUDGE